

An Act

ENROLLED SENATE
BILL NO. 469

By: Woods of the Senate

and

Boles and Adams of the
House

An Act relating to the Oklahoma Emission Reduction Technology Rebate Program; amending Section 4, Chapter 346, O.S.L. 2022, as amended by Section 3, Chapter 353, O.S.L. 2024 (68 O.S. Supp. 2024, Section 55009), which relates to the Oklahoma Emission Reduction Technology Incentive Act; modifying eligibility requirements for rebate payment; clarifying statutory language; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Emission Reduction Technology Rebate Program

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 4, Chapter 346, O.S.L. 2022, as amended by Section 3, Chapter 353, O.S.L. 2024 (68 O.S. Supp. 2024, Section 55009), is amended to read as follows:

Section 55009. A. Upon July 1, 2022, there is hereby created the Oklahoma Emission Reduction Technology Rebate Program. There is hereby created a rebate in the amount of up to twenty-five percent (25%) of documented expenditures made in this state directly attributable to the implementation of a qualified Emission Reduction Project.

B. The rebate program shall be administered by the Department of Environmental Quality and the Oklahoma Tax Commission, as provided in the Oklahoma Emission Reduction Technology Incentive Act.

C. To be eligible for a rebate payment:

1. The applicant responsible for the implementation of a qualified Emission Reduction Project in this state shall submit documentation to the Department of Environmental Quality no later than six (6) months after the end of the fiscal year in which the ~~expenditures were made~~ implementation of the qualified Emission Reduction Project was completed, stating the amount of expenditures made in this state directly related to the implementation of the qualified Emission Reduction Project; provided, all applications for rebate payment shall be submitted to the Department no later than six (6) months prior to the date of cessation of the Oklahoma Emission Reduction Technology Rebate Program, as provided in Section 55012 of this title. The Department of Environmental Quality shall additionally establish a process whereby an applicant may submit a rebate payment application for preliminary review and approval prior to the expenditure of project funds. Any approval through this alternative process shall be subject to final approval as determined necessary by the Department of Environmental Quality;

2. The applicant has filed all Oklahoma tax returns and tax documents which are required by the laws of this state; and

3. The applicant shall provide evidence of a certificate of general liability insurance with a minimum coverage of One Million Dollars (\$1,000,000.00) and a workers' compensation policy pursuant to the laws of this state which shall include coverage of employer's liability.

D. The Department of Environmental Quality shall approve or disapprove all claims for a rebate payment and shall notify the Oklahoma Tax Commission. The Tax Commission shall, upon notification of final approval from the Department of Environmental Quality, issue a rebate payment for all approved claims from funds in the Oklahoma Emission Reduction Technology Upstream and Midstream Incentive Revolving Fund and the Oklahoma Emission Reduction Technology Downstream Incentive Revolving Fund, both created in Section 55010 of this title. If the amount of the approved claims exceeds the amount available in either fund, during a fiscal year, payments shall be made proportionally to all the parties making a claim prior to the deadline which is approved by the Department of Environmental Quality.

E. Approved claims for rebate that exceed the balance of the Oklahoma Emission Reduction Technology Upstream and Midstream Incentive Revolving Fund and the Oklahoma Emission Reduction Technology Downstream Incentive Revolving Fund, both created in Section 55010 of this title, may be paid in part and the unpaid portion shall be paid upon the applicable fund reaching a sufficient balance in the order in which the claims are approved by the Department.

SECTION 2. This act shall become effective July 1, 2025.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 25th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____